

Serial No.: 10/707,337
Confirmation No.: 1336
Applicant: WENDEBERG, Staffan *et al.*
Atty. Ref.: 00173.0049.PCUS00

REMARKS:

In the present application, claims 1 and 5 have been amended, claim 4 has been cancelled and entry requested for new claims 17 - 27. Claims 1 - 3 and 5 - 27 are pending in the present application.

IN RESPONSE TO THE OFFICE ACTION:

PRIORITY

Applicants appreciate notification that papers submitted under 35 U.S.C. §119(a) - (d), have been placed of record in the file.

CLAIMS REJECTIONS - 35 U.S.C. §112

The Office Action indicated rejection of claim 4 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Claim 4 has been cancelled.

CLAIMS REJECTIONS - 35 U.S.C. §102

Claims 1 and 5 stand rejected under 35 U.S.C. §102(b) as being anticipated by Beattie et al. (U.S. 6,325,196 B1).

Claim 1 has been amended to further recite "the active range being defined by an active slot encompassing the active gear positions and the neutral positions, said locking unit including a pivot pin which is arranged to run in said first active slot and a neutral locking position slot into which said pivot pin is forced when said locking unit is not in its second opened position, wherein said active slot is, with exception of said neutral locking position slot, free of mechanical catches . . ." and this feature is not found in Beattie et al.

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Claims 2-3, and 5-19 each either depend directly or indirectly from claim one and are therefore allowable for the same reasons. Dependent claims 17 - 20 further clarify that the present invention uses a pivot pin of the gearshift lever to engage a continuous slot formed in a frame connected to the gearshift lever housing. The frame does not move, which means that the continuous slot according to the present invention does not move in similar fashion to slot (111A) taught by Beattie et al. Further, a locking unit according to the present invention (see new claim 18) comprises a pair of opposing springs used, in the first locked position, to prevent the pivot pin of the gearshift lever from passing the neutral position. The neutral gear lock of Beattie et al. uses a solenoid for positioning a pin (113A) in a slot (111A), but the mechanism does not include opposing springs.

Applicants submit that amendment of claim 1 overcomes rejection under 35 U.S.C. §102(b) over the reference of Beattie et al. Reconsideration and withdrawal of the rejection of claims 1 and 5 of the present invention is respectfully requested.

New claim 27 recites "a continuous slot engaged by the gearshift lever in the active position range that includes the active gearshift positions, the continuous slot further including a portion corresponding to the neutral position - -." The reference of Beattie et al. teaches a gearshift unit employing a neutral lock in which a solenoid (59) operates a spring-biased, extendable pin (113) for engaging a slot (111A) that moves during movement of a gear lever (34). It cannot be construed from drawings or descriptive portion of the reference that the gear lever (34) of Beattie et al. engages the slot (111A).

ALLOWABLE SUBJECT MATTER

Applicants appreciate notification that claims 2 - 4, 6 - 16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 21 - 26, included herein for allowance, provide independent claims based on allowable subject matter. Claim 21 contains the limitations of original claims 1 + 2; claim 22 includes the

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limitations of original claims 1 + 5 + 6; claim 23 includes limitations from original claims 1 + 5 + 10; claim 24 contains limitations from original claims 1 + 5 + 11; claim 25 has limitation from original claims 1 + 15 and claim 26 includes limitations of original claims 1 + 16.

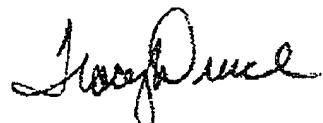
Applicants have made an earnest attempt to respond to all the points included in the Office Action and, in view of the above, submit that amendment of claims places the application in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 1 - 3 and 5 - 26 in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Order No. 00173.0027.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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